

Notice of Allowability

Application No.

09/644,390

Examiner

Pramila Parthasarathy

Applicant(s)

BERBERICH, REINHOLD

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/28/2005.
2. ☒ The allowed claim(s) is/are 1,2,3 and 6; Renumbered as 1-4.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

DETAILED ACTION

1. This action is in response to the amendments/remarks filed on November 28, 2005. The terminal disclaimer filed on 11/28/2005 disclaiming the terminal portion of any patent generated on this application which would extend beyond the expiration date of US patent 6,317,035 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Allowable Subject Matter

2. Claims 1 – 3 and 6 are allowed.

3. The following is an examiner's statement of reasons for allowance: The Admitted prior art Dixon et al. (U.S. Patent 5,291,516) and Siedentop et al. (U.S. Patent Number 6,329,909), disclose "a dual-mode transmitter is provided comprising an antenna, a mode controller, a mode select switch, information processing means, a tunable-frequency synthesizer, a chip-code generator, a spread-spectrum modulator, a narrowband modulator, a dual-band power amplifier where the dual modes occupy distinct frequency bands, or a single band power amplifier where the dual modes occupy single contiguous distinct bands, and adjustable bandpass filter" and "a code signal generator has a transponder unit, which proves its authorization for releasing an immobilizer by means of a question-response dialog. The code signal generator has a

remote control unit which transmits control signal for unlocking doors upon the actuation of a pushbutton. Both the transponder unit and the remote control unit have a single encryption unit, which is accessed by both units in order to encrypt the signals to be transmitted".

However, the admitted prior art do not disclose, teach or suggest "A device for actuating a security device, preferably for securing a motor vehicle against unauthorized use, comprising: a control unit for actuating the security device, the control unit having means for transmitting a first coded electromagnetic signal (stimulus signal); a portable transmitter (radio key) having means for receiving the stimulus signal, and means for transmitting a second coded electromagnetic signal (enable signal) on a carrier frequency determined from the stimulus signal by the radio key; and

wherein the control unit has a receiver tuned to the carrier frequency and actuates the security device if the enable signal is received by the receiver of the control unit and is recognized by the control unit, wherein the control unit and the radio key have means respectively for tuning said receiver of the control unit to said carrier frequency and for altering said carrier frequency of the second coded electromagnetic signal provided by the transmitting means of the radio key; and

wherein the radio key alters said frequency and the control unit correspondingly tunes its receiver during signal transmission in a manner known only to the control unit and to the radio key; a manner in which the carrier frequency is to be changed is contained in the stimulus signal (1) as a coded information item for transmission to the

radio key; and the stimulus signal (1) contains a random number and the carrier frequencies are determined by applying a cryptoalgorithm (3) to said stimulus signal (1) and, in this context, particularly to the random number contained in the stimulus signal (1); and wherein the signal transmission takes place over a spectrum of different carrier frequencies and wherein the enable signal contains a coded information item for modulating said spectrum; and wherein the transmission via different carrier frequencies constitutes frequency hopping".

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Martin A. Farber, registration number 22,345, on December 28, 2005.

IN THE CLAIMS:

1. (Amended) A device for actuating a security device, preferably for securing a motor vehicle against unauthorized use, comprising: a control unit for actuating the security device, the control unit having means for transmitting a first coded electromagnetic signal (stimulus signal); a portable transmitter (radio key) having means for receiving the stimulus signal, and means for transmitting a second coded electromagnetic signal (enable signal) on a carrier frequency determined from the stimulus signal by the radio key; and

wherein the control unit has a receiver tuned to the carrier frequency and actuates the security device if the enable signal is received by the receiver of the control unit and is recognized by the control unit, wherein the control unit and the radio key have means respectively for tuning said receiver of the control unit to said carrier frequency and for altering said carrier frequency of the second coded electromagnetic signal provided by the transmitting means of the radio key; and

wherein the radio key alters said frequency and the control unit correspondingly tunes its receiver during signal transmission in a manner known only to the control unit and to the radio key; a manner in which the carrier frequency is to be changed is contained in the stimulus signal (1) as a coded information item for transmission to the radio key; and the stimulus signal (1) contains a random number and the carrier frequencies are determined by applying a cryptoalgorithm (3) to said stimulus signal (1)

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and, in this context, particularly to the random number contained in the stimulus signal (1); and

wherein the signal transmission takes place over a spectrum of different carrier frequencies and wherein the enable signal contains a coded information item for modulating said spectrum; and wherein the transmission via different carrier frequencies constitutes frequency hopping.


7 – 8 (Cancelled)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on Tuesday – Thursday 8:00a.m. To 3:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-232-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy
December 28, 2005.


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SUPERVISORY PATENT EXAMINER
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